

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION**

EAN LAVAR JOHNSON

CIVIL ACTION NO. 04-2511-P

VERSUS

JUDGE S. MAURICE HICKS, JR.

WARDEN TIMOTHY WILKINSON,  
ET AL.

MAGISTRATE JUDGE HORNSBY

**JUDGMENT**

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, specifically noting the United States Court of Appeals decision Foy v. Donnelly, 959 F.2d 1307, 1314 n, 9 (5th Cir. 1992), and having thoroughly reviewed the record, including the written objections filed, and concurring with the findings of the Magistrate Judge under the applicable law;

**IT IS ORDERED** that (A) Petitioner's errors patent claim is dismissed without prejudice and (B) all other claims are rejected on the merits and dismissed with prejudice.

**THUS DONE AND SIGNED** at Shreveport, Louisiana, the 9th day of November, 2006.

  
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S. MAURICE HICKS, JR.  
UNITED STATES DISTRICT JUDGE